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CTIA

Building The Wireless Future™

Cellular Telecommunications & Internet Association

November 1, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
CC Docket No. 01-14

Dear Ms. Salas:

On October 31, 2001, the Cellular Telecommunications & Internet Association ("CTIA"), represented by Mike Altschul, Senior Vice President for Policy and Administration and General Counsel, Diane Cornell, Vice President for Regulatory Policy, Christopher Guttman-McCabe, Director for Regulatory Policy, A.J. Feeney-Ruiz, CTIA Intern, along with Marius Schwartz, Georgetown University and CTIA Consultant, met with Jim Schlichting, Deputy Chief and Walter Strack, Chief Economist of the Wireless Telecommunications Bureau ("WTB"), Jeffrey Steinberg, Deputy Chief and Lauren Kravetz Patrich, Assistant Chief of the Commercial Wireless Division, WTB, and Jim Bird, Senior Counsel to the General Counsel, to discuss issues relating to CTIA's view that the spectrum cap should be eliminated immediately.

In particular, CTIA argued that the spectrum cap, a separate rule targeted uniquely at the wireless industry, is no longer necessary. Transactions in the wireless industry should be subject to the same standard of review as other Title II services. CTIA argued that, to the extent the Federal Communications Commission ("FCC") develops internal processing guidelines for evaluating wireless transactions, it should look to the same criteria used by the Department of Justice ("DOJ") in its antitrust analysis -- the Merger Guidelines, and rely on the kind of information and methodologies utilized by DOJ in conducting its competition analyses. This approach will enhance predictability, conserve FCC resources, and assist the Commission in focusing resources on other issues that are within the FCC's public interest jurisdiction, such as licensee qualifications.

CTIA noted that internal processing guidelines need not be developed as formal rules in a rulemaking process, although seeking public input would be appropriate to help ensure transparency. CTIA also observed that it would be important to incorporate timelines into the internal processing guidelines so that parties understood how long their transactions would likely take to be acted upon.



Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Diane J. Cornell

Diane J. Cornell

cc: Jim Schlichting
Walter Strack
Jeffrey Steinberg
Lauren Kravetz Patrich
Jim Bird

